

In the Court of Appeals of the State of Alaska

Korakanh Phornsavanh,

Appellant,

v.

State of Alaska,

Appellee.

)
) Court of Appeals No. **A-12499**
)

) **Order**
) on Motion to Strike
)

) Date of Order: **June 11, 2019**
)

Trial Court Case # **3AN-13-06468CR**

The attorney for Korakanh Phornsavanh, Kelly R. Taylor, has filed a motion to strike three recent pleadings filed by the State. All were filed shortly after oral argument was held. One of the challenged pleadings was dated May 23, 2019 and the other two pleadings were dated May 31, 2019. Two of these pleadings are letters of supplemental authority, and Ms. Taylor argues that these letters violate Appellate Rule 212(c)(12) because rather than just include a reference either to the page of the brief or to a point that was argued orally, the letters also contain “arguments or explanations.”

The third challenged pleading is the State’s May 31 notice to the Court addressing a question raised during oral argument concerning the burden of proof in evaluating a motion for a judgment of acquittal. On the first page of this notice, the State’s attorney, Timothy W. Terrell, informs the Court that the response he provided during oral argument was in error. Ms. Taylor argues that this pleading is more akin to supplemental briefing than it is to a notice.

Mr. Terrell opposes the motion to strike.

IT IS ORDERED:

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The motion to strike is **GRANTED IN PART**. To the extent that the State has included “argument and explanations” in its letters of supplemental authority dated May 23 and May 31, those portions shall be struck from the letters and will not be considered by the Court. Regarding the State’s notice of an erroneous response made during oral argument, all but the first page of this notice shall be struck and will not be considered by the Court.

Entered under the authority of Chief Judge Allard.

Clerk of the Appellate Courts



Ryan Montgomery-Sythe, Chief Deputy Clerk

cc: Court of Appeals Judges
Central Staff

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